

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

RAINBOW HAWAII FARMS, LLC,

Respondent.

CASE NO. OSH 2009-26
Inspection No. 311435366

ORDER NO. 357

ORDER GRANTING
COMPLAINANT'S ORAL MOTION TO
DISMISS RESPONDENT RAINBOW
HAWAII FARMS, LLC'S CONTEST

ORDER GRANTING COMPLAINANT'S ORAL MOTION TO
DISMISS RESPONDENT RAINBOW HAWAII FARMS, LLC'S CONTEST

The Hawaii Labor Relations Board (Board) issued a Notice of Initial Conference/Settlement Conference (Notice) for July 30, 2009 at 11:00 a.m. The Notice specifically states, "THE APPEALING PARTY'S FAILURE TO ATTEND THIS INITIAL CONFERENCE MAY BE GROUNDS FOR DISMISSAL OF THE APPEAL." The Notice further requested that each party submit an initial conference statement no later than three business days prior to the conference. On July 30, 2009, with the agreement of the parties, the Board continued the Initial Conference/Settlement Conference until October 2, 2009 at 9:00 a.m. The Board issued a Notice of Continued Initial Conference/Settlement Conference for the October 2, 2009 conference on July 31, 2009.

Respondent RAINBOW HAWAII FARMS, LLC (Respondent) did not file an Initial Conference statement for the July 30, 2009 Initial Conference/Settlement Conference and did not file one for the Continued Initial Conference/Settlement Conference of October 2, 2009. Respondent did not appear for the October 2, 2009 Continued Initial Conference/Settlement Conference. Respondent did not contact the Board to inform the Board that Respondent was unable to appear.

Upon Respondent's non-appearance, Complainant made an oral motion to dismiss Respondent's contest.

Based upon Respondent's failure to appear for the Continued Initial Conference/Settlement Conference, the Board grants Complainant's oral motion to dismiss Respondent's contest.

ORDER

For the reasons discussed above, the Board hereby grants Complainant's oral motion to dismiss Respondent's contest.

DATED: Honolulu, Hawaii, October 13, 2009.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

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Raymond Young